Previous references.
Regis 2 of 1908
" 15 of 1897-98.
" 8 of 1874 5.

Later references.
Regis 20 of 1907
Regis 30-09-14
A. 137. 71 (1+12)

1906. 81
(Registration)

Regis File No. 32-06

Serial Nos. 1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B. for April 1907

SUBJECT.

Issue of Circular Covenants in breach of Contract cases.

	Table of Contents
1	To the President of the Sierra Leone Planters' Association. No 3241/36
	Stating that Govt. considers it inexpedient to take any action in the matter of introducing the introduction of a labour contract Act on the lines of the existing Madras Act 1 of 1903, a Contract to which the planters themselves were understood
G. R. S. 58	

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1906-07

GENERAL AND REVENUE SECRETARIAT.

(Legislative)

NOTES.

File No. 32

FILE HEADING.

Issue of bailable warrants in breach of Contract cases.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet.

MGCPB -30,000—17 2-05.

Serial No.

Mis J.173

Extract from the address read at the Representative Assembly of 1906 by Mr.Crawford on behalf of the South Mysore Planters' Association, 1st October 1906.

"There is only one subject I would like to touch on, and that is to bring to your notice the very sympathetic utterance of the Governor of Madras relative to the pleasure it would afford His Excellency if he could be the means of rendering some service to the planting industry of South India and to suggest that in the absence of reciprocity in extradition the concession of system of bailable warrants as originally proposed by Lord Wenlock would in some measure compensate for the absence of the former and be of the greatest assistance not only to the planters but to every one in Mysore generally."

Dewan's reply to the above:- Your suggestion in regard to bailable warrants will be duly investigated.

All the papers on the subject of extradition in Breach of Contract Cases are submitted. They do not show any such proposal as having come from Lord Wenlock himself. Perhaps the Association refer to the observations of the Government of Madras alluded to in para 100 of the report of the Committee appointed by the Government of India to enquire into the representation made to H.E. the Viceroy in December 1895 by the United Planters' Association of Southern India.

× Fl.Q

For a history of the correspondence that took place in the matter between 1877 and 1895 attention is kindly invited to paras 71, 72, 100, 102, 105 & 106

Note—Contn. sheet

Serial No.

of the above report. The opinion of the Committee is contained in paras 140 to 148 of the report.

The question of issuing bailable warrants was also broached by the Association in 1894(Fl P) The views of the Madras Government on the subject ~~is~~ are contained in their letter addressed to the Secretary to the United Planters' Association.(Fl.V) The result of the procedure that was then suggested by that Government, viz, recourse to section 14 of Act XXI of 1879 is contained in Govt. Progs No.Camp No. [illegible]/29-9-1897.(Fl.S)

The opinion of the Govt of India on the Committee's suggestions is contained in their resolution of the 21st January 1899. This has been embodied in G.O.No. 408 D/ 2-8-1899 of the Govt of Madras in para 11(Fl.P) and a copy of which having been forwarded to the Durbar for their opinion by the F.A.Resident in September 1899, with a bill prepared by the Madras Govt to amend the law relating to contracts between planters and labourers, it was then resolved to wait the passing of the bill by that Govt before the question of introducing a similar measure into this State was considered. (Vide Secretary's note, Fl.P_3).

The President of the South Mysore Planters' Association having requested in January 1903 that the planters might be given an opportunity of laying their objections before the Labour Act was introduced into Mysore, a deputation from them was received on 7-8-03, when the deputation resolved to wait and gain experience how the measure worked elsewhere, while one member went to the length of saying that the bill was not wanted at all (Vide Office note.Fl.P) The papers were accordingly ordered to be filed.

Serial No.

Q

The suggestion for the issue of bailable warrants in respect of breaches of contract for work to be done within the territories of Mysore under Act XIII of 1859 indirectly raises the question of reciprocity in the matter of Criminal processes between Mysore & British Provinces. Such reciprocity was aimed at prior to the Rendition. This is fully explained in para 71 of South Indian Planters' Enquiry Committee Report (pages 31 & 32)

While Criminal processes of British Courts are respected in Mysore similar processes of Mysore Courts are respected in British India only to the extent and in the manner provided for by the Extradition Act Chapter III. Under this chapter a warrant could only issue where an Extradition offence has been committed. An offence under Act 13 of 1859 (Breach of Contract) is not included in the list of Extradition offences. No warrant for such offence bailable or non-bailable could be issued under chapter III of the Extradition Act.

The Govt of India always considered it inexpedient to legislate so as to allow of recognition of Mysore Criminal processes in British India. Even if the system of bailable warrants be introduced, it will not be of much use unless it is provided that in the event of bail not forthcoming the warrant could be executed as an ordinary one by the arrest and surrender of the accused. In the generality of cases it is difficult to expect an ordinary cooly, with migratory habits, having no fixed place of residence, to furnish bail. The proposed system would therefore be of no practical utility.

Leg.) 27/3/07

MGCPB—50,000—17-2-05

Mis J/73

G.B.S. 12]
General and Revenue Secretariat.

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Serial No.

HP3

A perusal of my note of 5 Nov 1902 may help to show how the question of extradition now stands. As the result of the previous discussions, the Madras Govt passed, with the approval of the Govt of India, their Planters Labour Act I of 1903, section 44 of which empowers the Local Govt to order by notification "that processes issued by the courts, or by any specified Courts, in a Native State under any Act for the enforcement of labour contracts in force in such Native State shall, subject to such conditions and restrictions as may in such notification be prescribed, be executed within the Presidency of Madras as if they were process issued under this Act."

HA

This is the provision the benefit of which we shall have to claim if ~~we~~ it be decided to move for a system of bailable warrants as asked for by the Southern Mysore Planters Assoc.

But please see what such a course necessarily entails. In the first place, we shall have to pass a law

Note—Contn. sheet

GPB—50,000—23 10-05

Sorial No.

for the enforcement of labour contracts similar to ~~that~~ that embodied in the new Madras Act. (This is clear from the tenour of the correspondence that led up to the passing of the Act. It is very doubtful, indeed, if we shall be allowed to claim the benefit of the provision on the ground that we have already a labour contract law in Act ~~X~~ III of 1859.) The local (i.e. Mysore) planters were averse to the introduction of the Madras Act into the Mysore State, and wanted to wait & see in ~~the~~ reference to how the measure would work elsewhere. (Vide the late Dewan's note of) - 1903). It is not known what the views of the planters now are. So far as the Mysore-ans concerned, the question requires careful consideration. In my own opinion I beg to refer to my note of 5 Aug 1903, in which I pointed out that the provisions of the Act are very one-sided & objectionable from the point of view of people other than the planters & that (among other incidental consequences) not a single European planter ~~could~~ can for all practical purposes

H.B

This is one of the parts Dewan. 9/3 Govt view

H.B.

Note—Contn. sheet

GPB—50,000—23 10-05

Sorial No.

be dealt with under the Act because our Magistrates will have no jurisdiction over them.

In the next place the Magistrate will be at liberty to refuse to recognize pleaders other than the ~~pleaders~~ of Recognized Courts a class of courts. It is quite possible that the provision may be used as a handle to compel us to employ European Barristers or at least ~~European~~ Barristers for the 3 Canting districts. (Ref. statement towards close of para 142 of the Committee Report)

Lastly we shall also have to submit to "conditions & restrictions" the "Rules" of which it is now ~~to~~ impossible to anticipate.

After all, we do not know whether cases of breaches of contract by labourers working on the estates in Ryotwar are numerous now as they were in the districts ~~&~~ before. It seems desirable that some statistics on this point should be obtained before action is taken, & the opinion of Magistrates & ~~competent~~ competent Heads of Depts

Note—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

taken

2/10/07

W. 20/10/07

I think that we might approach the Govt of India & Madras thro' the Resident with the modest request of Mr Crawford with which this ends. We may tell them what in the interests of the Planters we want, and request them to suggest the means by which we can have it. A great many things have happened since the Planters' Convention & the Madras Labor Act; & one of these things is the advent of the present Govr of Madras who has better experience of Labor grievances than most of his predecessors.

27 Feb 07

This, being also a Police matter, is rec'd. & the 2d Com. called for.

2/10/07

W. 28/10/07

The question though a simple one at first sight, might if hastily disposed of, land us in great difficulties in the future. The legal

NOTE—Contn. sheet

GPB—50,000—23-10-05

Serial No.

aspects of it have been
briefly pointed out by the
Secretary and I would
not be in a hurry to accept
the suggestion thrown out
by Mr Crawford. The
District Magistrates and
Heads of Depts Competent
to advise Government,
also the Chief Court
may be invited to express
their opinion - and then
the matter brought before
Council

W. Kettlewell
2nd Jan 07

1/3/07
Dewan

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4/7/07

W.
4/8/07

(GPB—50,000—23-10-05)

G.R.S. 12J

General and Revenue Secretariat. | File No. | of 190

Serial No.	
4380	9.4.07

Draft reply to the President of the
S. A. Glanders Board, Pretoria

Submitted to His Highness.

'T'

At the last meeting of the Dassara Representative Assembly, Mr. Crawford on behalf of the South Mysore Planters' Association, urged the desirability of moving the Madras Government for the service in British India of bailable warrants issued by Mysore Courts in cases under the Breach of Contract Act XIII of 1859.

The matter has been considered and the notes in the file including those of the Secretary and the Councillors discuss the case fully. I do not think that it is worthwhile moving the Madras Government as suggested by Mr. Crawford. A draft reply to the President of the Association on the subject is submitted for approval.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Mr.Crawford's representation regarding the issue of bailable warrants in each of Contract cases.

Order.

Approved
KRMP
11/4/07

G.R.S. 12]
General and Revenue Secretariat.

Leg File No. 32 of 1906-07.

Serial No. 1

To the President of the South Mysore Planters Association - No. J3244 & 20/4/07.

Sir, the Madras Government consider it inexpedient to take any action in the matter, as it involves the introduction of a Labor Contract Act on the lines of the existing Madras Act I of 1903 - a course to which the planters themselves were understood to be opposed in 1903 - and which in view of the various incidental questions involved, the Government has no present

[illegible]

[illegible]
[illegible]
26/8/07

Note.—Contn. sheet

To

J 3241
Legis 32-06-1
Dated 20.4.07

The President of the South Mysore
Planters' Association.
Through the D.C. Hassan

Sir,

I am directed to refer to the suggestion made by Mr. Crawford in the course of the address read by him at the Representative Assembly of 1906, in regard to [redacted] bailable warrants, and the Dewan's reply thereto, and to communicate to you briefly the decision of His Highness' Government in the matter.

2. The provision, the benefit of which would have to be claimed if it were decided to move for a system of bailable warrants is apparently that contained in section 44 of the Madras Planters Labour Act, I of 1903, which empowers the Government of Madras to order by Notification " that processes issued by the Courts, or by any specified courts, in a Native State under any Act for the enforcement

A

of labour contracts in force in such Native State, shall, subject to such conditions and restrictions as may in such Notification be prescribed, be executed within the presidency of Madras as if they were processes issued under this Act. It is believed, This would necessitate the Mysore Government passing a law for the enforcement of labour contracts similar to that embodied in the Madras Act,—a course to which the planters in Mysore were themselves understood in 1903 to be generally opposed, and which in view of the various incidental questions involved, the Government have no present intention of undertaking.

3. For this reason, and others which it is unnecessary to go into in this place, I am to state that the Government consider it inexpedient on their part to take any action in the matter.

I have &c.

Secretary to Govt.

To

The President of the South Mysore Planters' Association.

Through the Deputy Commissioner of Hassan.

No. J 3241/Legis.32-06-1, dated 20th April 1907.

Sir,

I am directed to refer to the suggestion made by Mr. Crawford in the course of the address read by him at the Representative Assembly of 1906, in regard to bailable warrants, and the Dewan's reply thereto, and to communicate to you briefly the decision of His Highness' Government in the matter.

2. The provision, the benefit of which would have to be claimed if it were decided to move for a system of bailable warrants, is apparently that contained in section 44 of the Madras Planters Labour Act, I of 1903, which empowers the Government of Madras to order by Notification "that processes issued by the Courts, or by any specified courts, in a Native State under any Act for the enforcement of labour contracts in force in such Native State, shall, subject to such conditions and restrictions as may in such Notification be prescribed, be executed within the presidency of Madras as if they were processes issued under this Act". This, it is believed, would necessitate the Mysore Government passing a law for the enforcement of labour contracts similar to that embodied in the Madras Act,- a course to which the planters in Mysore were themselves understood in 1903 to be generally opposed, and which in view of the various incidental questions involved, the Government have

no present intention of undertaking.

3. For this reason and others which it is unnecessary to go into in this place, I am to state that the Government consider it inexpedient on their part to take any action in the matter.

I have &c.,

Sd/- K.S. Chandrasekhara Aiyar,

Secretary to Government.